

FILED

March 16, 2023

Mark B. Busby
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JESSE YBARRA,

Defendant.

Case No. [22-cr-00347-BLF-1](#) (VKD)

**ORDER REVOKING BAIL; ORDER OF
DETENTION**

The United States asks the Court to revoke Mr. Ybarra's bail and remand him to custody for violating the conditions of his pretrial release.

Pretrial Services filed a violation notice with the Court alleging that defendant Jesse Ybarra violated a condition of his pretrial release with respect to a biological sample submitted for drug testing on February 5, 2023. Dkt. No. 90. The Court held a hearing on the alleged violation on March 7, 2023 and continued the matter to March 16, 2023 for further hearing. Dkt. No. 92. Thereafter, Pretrial Services filed an informational memorandum with additional information regarding the test results reported in the original violation notice, and recommended that the Court detain Mr. Ybarra. Dkt. No. 93. The Court held a further hearing on the alleged violation on March 16, 2023. Dkt. No. 98. Mr. Ybarra appeared in person and was represented by counsel at both hearings.

In connection with the hearings, the Court considered a five-page report from the laboratory that tested the biological sample Mr. Ybarra submitted on February 5, 2023, as well as two letters from personnel at Center Point, Inc., and the Court directs that the Clerk file these materials under seal.

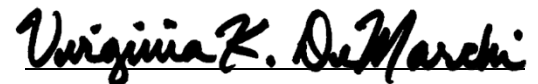
1 Mr. Ybarra waived written findings, and the government does not object to that waiver.

2 The Court has considered the parties' presentations and arguments at the hearing, proffers
3 of evidence, as well as the information provided by Pretrial Services. The Court also has
4 considered the factors set forth in 18 U.S.C. § 3142(g). For the reasons stated on the record during
5 the hearing, the Court concludes that Mr. Ybarra committed the violation charged in the notice.
6 The Court further concludes that Mr. Ybarra is unlikely to comply with conditions of release that
7 the Court has set or may set, and that there are no conditions or combination of conditions of
8 release that would reasonably assure Mr. Ybarra's safety and the safety of others and the
9 community. Accordingly, the Court detains Mr. Ybarra pending further proceedings in this case.

10 Mr. Ybarra is committed to the custody of the Attorney General or his designated
11 representative for confinement in a corrections facility separate, to the extent practicable, from
12 persons awaiting or serving sentences or being held in custody pending appeal. Mr. Ybarra shall
13 be afforded a reasonable opportunity for private consultation with defense counsel. On order of a
14 court of the United States or on the request of an attorney for the United States, the person in
15 charge of the corrections facility shall deliver Mr. Ybarra to the United States Marshal for the
16 purpose of appearances in connection with court proceedings.

17 **IT IS SO ORDERED.**

18 Dated: March 16, 2023

19
20 
21 VIRGINIA K. DEMARCHI
22 United States Magistrate Judge
23
24
25
26
27
28